

75-1914 Mouzel (Pre-Conference
notes 11/3/72)

Petri's basic argument:

1. Mouzel + Kanasha messaged the Sherman Amend. It was rejected because Congress did not wish to impose vicarious liability on local govts (e.g. for ~~action~~ action violative of state or local law - as in the Mouzel situation when conduct of police was violative of Ill law).
2. Congress gave no indication of intent to absolve municipalities for unconstitutional action taken by responsible officials ⁱⁿ ~~in~~ course of their duty. E.g. - here Bd/Ed acted officially in adopting pregnancy policy. Thus there was "color of state" law.
3. 1983 suit should be allowed for damages vs responsible officials acting in their official capacity. Municipal Treasurers would pay, but they pay now anyway when ~~individuals~~ officials are sued personally.

Sherman
Amend.
Also
extended
to private
conduct.